

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMNA IFTIKHAR and KINZA IFTIKHAR,

Plaintiffs,

-against-

PENSKE LEASING AND RENTAL COMP, KOMOLO,
INC. and TUVSHINJARGAL DUURENJARGAL,

Defendants.

Case No.: 1:23-cv-1768 (KPF)

Letter to the Court Request
Adjournment of Post-Fact Pre-
Trial Conference

MEMO ENDORSED

Good afternoon Judge Katherine Polk Failla,

This letter is submitted to request an adjournment of the post-fact Pre-Trial Conference currently scheduled for November 15, 2023, with the consent of plaintiff's counsel. In addition, the parties recently filed with the court a Consent to Proceed in front of a Magistrate Judge. As you are aware, this matter involves a motor vehicle accident that occurred on July 2, 2020, on northbound portion of I-87, Major Deegan Expressway, near Van Cortlandt Park, Bronx County. The plaintiffs allege that defendant Duurenjargal struck their vehicle in the rear while in traffic.

The matter was removed on or about March 2, 2023, based upon the complete diversity of the parties pursuant to 28 U.S.C. §§ 1332(a). This matter was originally brought in New York State Supreme Court, Bronx County. Counsel for the plaintiffs and I have spoken regarding the facts of the case and filed a proposed case management plan which the court approved on July 5, 2023. Paper discovery is largely complete at this time, with only a few records remaining outstanding through no fault of the parties. Depositions of the plaintiffs are scheduled to occur on December 5, 2023. The deposition of the defendant driver will occur if necessary, following the completion of the plaintiffs' depositions. Once depositions have been completed, the parties would welcome the opportunity to speak with the Magistrate Judge regarding potential settlement and/or mediation.

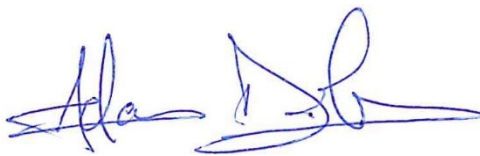
Based on these facts, I am respectfully requesting an adjournment of the upcoming post-fact pre-trial conference to a date certain in mid-December or early January. Counsel for the plaintiffs agrees with this request. In the interim, Mr. Tintle and I will continue to work to complete all paper and testamentary discovery prior to engaging the court for potential assistance with settlement and/or mediation.

Thank you for your time in reviewing this request. Please let me know if there is anything else the court requires, and the parties will happily provide it.

Dated: November 13, 2023
Tarrytown, New York

Very truly yours,

GFELLER LAURIE LLP,



Adam R. Dolan

The Court is in receipt of the parties' above submission. The parties are advised that per the Case Management Plan, (Dkt. #11), fact discovery in this matter closed on November 3, 2023, which period included the time for depositions of fact witnesses. The Court will construe the above letter as a request to extend the fact discovery deadline *nunc pro tunc* to **December 29, 2023**, in order to accommodate the scheduled depositions. The Court does not grant such an extension lightly, but does so given the centrality of the depositions to this matter. The parties are advised that no further extensions will be given absent exigent circumstances.

The post-fact discovery conference scheduled for November 15, 2023, is hereby ADJOURNED to **January 18, 2024**, at **11:00 a.m.** Following the completion of depositions, the parties may promptly file a request to proceed before the designated Magistrate Judge for settlement purposes.

The Clerk of the Court is directed to terminate the pending motion at docket number 15.

SO ORDERED.

Dated: November 13, 2023
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE